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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,815	06/26/2003	Hans Van Der Touw	119304-1001	5495

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Kenneth T. Emanuelson  
Gardere Wynne Sewell LLP  
Suite 3000  
1601 Elm Street  
Dallas, TX 75201

EXAMINER

NGUYEN, JIMMY T

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/606,815

Applicant(s)

TOUW ET AL.

Examiner

Jimmy T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/06/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION*****Priority***

It is noted that this application appears to claim subject matter disclosed in prior Application No. 09/696,531, filed October 25, 2002. A reference to the prior application must be inserted as the first sentence of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e) or 120. See 37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all nonprovisional applications. Also, the current status of all nonprovisional parent applications referenced should be included.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-3, 5-6, 9-10, 12-16, and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Warsing et al. (hereinafter “Warsing”) (US 5,842,652).** Warsing discloses a recycling center comprising: a transportable container (10); a partitions formed by the walls of holding bins (32, 34, 36, 38, 100, 116) defining a work area and a storage area (see figs. 3 and 5); said bins can be access from the exterior of the container through a portal (108); a compactor

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(claim 6); a power supply (40); and an opening (16) to access the work area (50) and an opening to unload the storage area (fig. 2). Further, Warsing discloses a method for collecting recyclable material comprising: placing and removing a transportable recyclable center at a location (fig. 1); receiving, sorting recyclable materials into bins (fig. 1), and storing the recyclable materials (fig. 1); compacting the recyclable material (claim 6, line 15); and placing materials into the bin through a portal (col. 9, line 15).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 4, 11, 17, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warsing et al., in view of Tracy (US 5,001,977).** Warsing has been described above.

Warsing does not disclose the power supply is a rechargeable battery and powering the compactor with the rechargeable battery. However, the patent to Tracy discloses a compactor (1) powered by a rechargeable battery (7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the compactor of Warsing with a rechargeable battery, as taught by Tracy, in order to make the compactor a self-contained apparatus.

**Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Warsing et al., in view of Schulze, Jr. (US 5,111,927).** Warsing has been described above. Warsing does

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not disclose a reverse vending machine (RVM). However, the patent to Schulze, Jr. teaches that it old and well known in the recycling art to provide a recycling container/apparatus with an RVM (fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the container of Warsing with an RVM, as taught by Schulze, Jr. in order to accept recycling materials in the absence of an operator.

**Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Warsing et al., in view of Gilcreest et al. (hereinafter "Gilcreest") (US 5,425,458).** Warsing has been described above. Warsing does not disclose the walls of the partition have doors. However, the patent to Gilcreest, in a related recycling art, discloses doors (26, 27, 28, 29, 30) in a partition that separate a storage area from a work area (see abstract and fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the partitions of Warsing with doors, as taught by Gilcreest, in order to access the recyclable material deposited therein.

**Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Warsing et al., in view of Lombardo (US 5,078,567).** Warsing has been described above. Warsing discloses an opening (16) to access the work area (50) and an opening to unload the storage area (fig. 2). Warsing does not disclose a front door to access the work area and a rear door to unload the storage area. However, the patent to Lombardo, in a related recycling art, discloses using doors to load and unload the storage area (figs. 1 and 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the openings of Warsing with doors, as taught by Lombardo, in order to provide a full and secure enclosure for the storage area.

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*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Nguyen whose telephone number is (703) 305-5304.

The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen Ostrager can be reached on (703) 308-3136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTNguyen  
March 08, 2004

  
ALLEN OSTRAGER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700